

Town Board Minutes

**Meeting
No. 12**

Regular Meeting

April 20, 1998

MEETINGS TO DATE 12
NO. OF REGULARS 8
NO. OF SPECIALS 4

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LANCASTER, NEW YORK
April 20, 1998

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at Lancaster, New York on the 20th day of April 1998 at 8:00 P.M. and there were

PRESENT: DONALD KWAK, COUNCIL MEMBER
JOHN MILLER, COUNCIL MEMBER
MARK MONTOUR, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR

ABSENT: NONE

ALSO PRESENT: ELEANOR KUCHARSKI, DEPUTY TOWN CLERK
ROBERT LABENSKI, TOWN ENGINEER
RICHARD SHERWOOD, TOWN ATTORNEY
ROBERT LANEY, BUILDING INSPECTOR
THOMAS FOWLER, CHIEF OF POLICE
JOHANNA COLEMAN, RECEIVER OF TAXES
CHRISTINE FUSCO, ASSESSOR
RICHARD REESE JR., HIGHWAY SUPERINTENDENT

EXECUTIVE SESSION:

UPON MOTION DULY MADE, SECONDED AND UNANIMOUSLY CARRIED, the Town Board voted at 10:05 P.M. to deliberate in Executive Session for the announced purpose of discussing the status of the Gambacorta vs Town litigation matter.

At 10:30 P.M., the Town Board reconvened with all members present. The Town Clerk reported that no official actions were taken by the Town Board in Executive Session.

PERSONS ADDRESSING TOWN BOARD:

Bastian, Norman, 5747 Genesee Street, spoke to the Town Board on the following matters:

- Town's purchase of property adjacent to Westwood Park
- Trailer trucks parked on Northeast corner of Harris Hill Road and Genesee Street

Brett, James, 659 Harris Hill Road, spoke to the Town Board on the following matters:

- Requested response to letter re: LVAC
- STAR Program
- Response of LVAC to accident on Banner Avenue

Buehler, Daniel, 26 Tyler Street, spoke to the Town Board on the following matter:

- Asked whom would be representing Town on Lancaster Collaborative Comprehensive Master Plan Committee.

Frank, Mary Ann, 5176 Genesee Street, spoke to the Town Board on the following matter:

- Remedial work on Genesee Street.

Laughlin, Jim, 163 Peppermint Road, spoke to the Town Board on the following matter:

- Concerns regarding use of premises on the north side of 176 Cemetery Road owned by Brian Fahey as campgrounds for city youth. Asked if special use permit was needed. Also, requested written notification if indeed Mr. Fahey proceeds with this matter.

Schneggenburger, Roy, 87 Stony Road, spoke to the Town Board on the following matters:

- Questioned stipulations in resolution authorizing Fleck dumping permit.
- Town's purchase of property adjacent to Westwood Park. Questioned if survey was paid for by Town.

Stanko, John, 10 Pleasant View Drive, spoke to the Town Board on the following matter:

- Time frame for top soiling and seeding near ditch in front of property.

Zarbo, Rick, 357 Stony Road, spoke to the Town Board on the following matter:

- Traffic problems connected with proposed rezone petition of Ferry/Dean for premises situate on Aurora Street, near William Street.
- Parking problems at the Boston Hotel on Genesee Street.

PUBLIC HEARING SCHEDULED FOR 8:30 P.M.:

At 8:34 P.M., the Town Board held a Public Hearing to hear all interested persons upon the rezone petition of Hamister Development Co., Inc./Regent Development Int'l Inc. for a rezone from a MFR3-Multi Family District 3 to a RCO-Residential Commercial Office District and a R1-Residential District 1 to a RCO-Residential Commercial Office District for premises situate at 00 William Street and 4793 William Street.

Affidavits of Publication and Posting of a Notice of a Public Hearing were presented and ordered placed on file.

PROPONENTS

Thomas Phillips, Pres. Hamister Development
David A. Huck, Regent Development Int'l Inc.
Daniel Grabowski, Pres., Fairwood Management

ADDRESS

651 Delaware Avenue, Buffalo
46 Central Avenue

OPPONENTS

None

ADDRESS

COMMENTS & QUESTIONS

Gloria Kubicki
Robert Zichittella
Roy Schneggenburger
Daniel Buehler
Gail Long
Electra Klager

ADDRESS

15 Maple Drive
53 Country Place
87 Stony Road
26 Tyler Street
175 Peppermint Road
62 Eastwood Parkway

ON MOTION BY COUNCIL MEMBER MILLER AND SECONDED BY COUNCIL MEMBER MONTOUR AND CARRIED, by unanimous voice vote, the Public Hearing was closed at 9:00 P.M.

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK. WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER STEMPNIAK TO WIT:

RESOLVED, that the minutes from Joint Meeting of the Town Board and the
Planning Board held on April 6, 1998, and the Regular Meeting of the Town Board held on
April 6, 1998, be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 20, 1998

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER MILLER, TO WIT:

WHEREAS, Roy Fleck/Clyde Mays, have applied for a Dumping Permit for property situated at 75 Cemetery Road, within the Town of Lancaster, pursuant to Chapter 22-8 of the Code of the Town of Lancaster, and

WHEREAS, the application was referred to the Building Inspector and Town Engineer for review and recommendation, and

WHEREAS, the Building Inspector and Town Engineer have completed their review and made a formal, favorable recommendation to the Town Board,

NOW, THEREFORE, BE IT

RESOLVED, that Roy Fleck/Clyde Mays, be and are hereby authorized to dump and dispose of materials outside permitted sanitary landfills within the Town of Lancaster, namely on premises owned by the applicants at 75 Cemetery Road, Lancaster, New York 14086, said dumping to be in strict conformance with the application of the petitioner as filed in the Office of the Town Clerk, and,

BE IT FURTHER

RESOLVED, that **this permit is conditioned** in accordance with the recommendations of the Town Engineer and Building Inspector as follows:

1. Dumping is to be limited to the north side (Erie Street and Cemetery Road access road) of the property up to the existing fill.
2. All fill must consist of clean, hard fill. Demolition material is not acceptable. No building permit will be issued for fill area without proper compaction test.
3. Close monitoring of site to prevent unauthorized dumping of non-permitted material.
4. Roads must be cleaned on a daily basis and more often if necessary.
5. No fill to be placed in or along any natural drainage without approval from the Town Engineer and any other agency having jurisdiction.
6. The height of the fill must be limited to one foot above the center line of the road and no higher than the existing properties.
7. Dumping will be allowed between the hours of 7 AM and 5 PM Monday thru Saturday. No dumping will be allowed on Sunday.

8. Site must be graded, topsoiled and seeded upon completion of filling or within one year.

BE IT FURTHER

RESOLVED, that no building permit for the construction of any structure on the SBL premises upon which this dumping permit is issued shall be approved by the Town Building Inspector until such time as the Building Inspector certifies in writing to the Town Board that the conditions enumerated in this resolution have been fully complied with, and

BE IT FURTHER

RESOLVED, that pursuant to Chapter 22-8(D)(6) of the Code of the Town of Lancaster the permit authorization granted herein **expires one year from date of this resolution.**

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 20, 1998

THE FOLLOWING RESOLUTION WAS OFFERED
 BY COUNCIL MEMBER MONTOUR, WHO
 MOVED ITS ADOPTION, SECONDED BY
 COUNCIL MEMBER KWAK TO WIT:

RESOLVED, that pursuant to Section 4-104 of the Election Law of the State of New York, this Town Board hereby designates the following Polling Places in each Election District of the Town of Lancaster for the conduct of Elections and Primaries during the year following the ensuing 1st day of May 1998.

**ELECTION
DIST.**

POLLING PLACE

- 1 Town Hall, 21 Central Ave., Lancaster, N.Y.
- 2 Court Street School, 91 Court St., Lancaster, N.Y.
- 3 Court Street School, 91 Court St., Lancaster, N.Y.
- 4 Como Park School, 1985 Como Park Blvd., Lancaster, N.Y.
- 5 Como Park School, 1985 Como Park Blvd., Lancaster, N.Y.
- 6 Aurora Middle School, 148 Aurora St., Lancaster, N.Y.
- 7 Lancaster Municipal Building, 5243 Broadway, Lancaster, N.Y.
- 8 St. Mary's High School, 142 Laverack Ave., Lancaster, N.Y.
- 9 Fire Hall, 16 W. Drullard Ave., Lancaster, N.Y.
- 10 Central Avenue School, 149 Central Ave., Lancaster, N.Y.
- 11 Fire Hall, 45 Meridian St., Depew, N.Y.
- 12 Fire Hall, 45 Meridian St., Depew, N.Y.
- 13 Depew Municipal Building, 85 Manitou St., Depew, N.Y.
- 14 North Side Fire Hall, 112 Brewster St., Depew, N.Y.
- 15 SS. Peter & Paul School, 52 Burlington Ave., Depew, N.Y.
- 16 Sacred Heart School, 5337 Genesee St., Bowmansville, N.Y.
- 17 Town Court Building, 525 Pavement Rd., Lancaster, N.Y.
- 18 Town Line Fire Hall, 6503 Broadway, Town Line, N.Y.
- 19 Historical Schoolhouse, 3703 Bowen Rd., Lancaster, N.Y.
- 20 Twin District Fire Hall, 4999 William St., Lancaster, N.Y.
- 21 North Side Fire Hall, 112 Brewster St., Depew, N.Y.
- 22 Substation, Bowmansville Fire Hall, 158 Seitz Ave., Lancaster, N.Y.
- 23 Aurora Middle School, 148 Aurora St., Lancaster, N.Y.
- 24 Lancaster Village Dept. of Public Works, 5200 Broadway, Lancaster, N.Y.
- 25 Lancaster Senior High School, 1 Forton Dr., Lancaster, N.Y.
- 26 SS. Peter & Paul School, 52 Burlington Ave., Depew, N.Y.
- 27 Lancaster Senior High School, 1 Forton Dr., Lancaster, N.Y.
- 28 Sacred Heart School, 5337 Genesee St., Bowmansville, N.Y.
- 29 Bus Garage, Lanc. School Dist., 295 Pleasant View Dr., Lancaster, N.Y.
- 30 Substation, Town Line Fire Hall, 63 Cemetery Rd., Lancaster, N.Y.
- 31 Town Line Fire Hall, 6503 Broadway, Town Line, N.Y.
- 32 Twin District Fire Hall, 4999 William St., Lancaster, N.Y.
- 33 Cayuga Heights School, 1780 Como Park Blvd., Lancaster, N.Y.
- 34 Cayuga Heights School, 1780 Como Park Blvd., Lancaster, N.Y.
- 35 Twin District Fire Hall, 4999 William St., Lancaster, N.Y.
- 36 Lancaster Senior Center, 100 Oxford Ave., Lancaster, N.Y.
- 37 Twin District Fire Hall, 4999 William St., Lancaster, N.Y.
- 38 Como Park Casino, Como Lake Park, Lancaster, N.Y.
- 39 Como Park Casino, Como Lake Park, Lancaster, N.Y.
- 40 Como Park Casino, Como Lake Park, Lancaster, N.Y.
- 41 Townview Apartments Community Center, 50 Grambo Dr., Lancaster, N.Y.
- 42 Townview Apartments Community Center, 50 Grambo Dr., Lancaster, N.Y.
- 43 Town Court Building, 525 Pavement Rd., Lancaster, N.
- 44 Hillview School, Transit Rd. & Pleasantview Dr., Lancaster, N.Y.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 20, 1998

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK , WHO MOVED
ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, the Town of Lancaster has heretofore provided a Nutrition Program
Congregate Dining Site for the Elderly, and

WHEREAS, it is necessary to execute an Agreement between the Town of
Lancaster and the County of Erie for the extension of this program in 1998;

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That the Supervisor be and is hereby authorized to execute an Agreement
between the Town of Lancaster and the County of Erie for the operation of a Nutrition Program
Congregate Dining Site for the Elderly for the year 1998; and
2. That the Director of Administration and Finance be and is hereby
authorized to sign vouchers with funds to be received by the Supervisor.

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 20, 1998

File: nutrit.498

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MILLER, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER KWAK, TO WIT:

WHEREAS, the Town of Lancaster has been approved for a Traffic Safety Grant from the Governor's Traffic Safety Committee, through the County of Erie Office of Traffic Safety, for the period of October 1, 1997 through September 30, 1998, and

WHEREAS, it is necessary to enter into an Agreement with the County of Erie for the purpose of receiving the consideration of a \$5,000 grant, for which the Town is required to provide supporting documentation of actual expenditures, and

WHEREAS, the Chief of Police of the Town of Lancaster has requested that the Town Board act to approve the beforementioned contract;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor of the Town of Lancaster to execute the contract with the County of Erie for the above mentioned Traffic Safety Grant.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTGOMERY	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 20, 1998

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION. SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster provide for the adoption and enactment of local laws, and

WHEREAS, proposed Local Law No. 2 of the Year 1998, entitled "Real Property Tax Law Exemption for Disabled" and designated as Article IV of Chapter 40, Taxation, of the Code of the Town of Lancaster, was introduced to the Town Board of the Town of Lancaster by Supervisor Giza on the 16th day of March, 1998, and

WHEREAS, a Public Hearing was duly called and held pursuant to law on April 6, 1998:

NOW, THEREFORE, BE IT

ENACTED by the Town Board of the Town of Lancaster, Local Law No. 2 of 1998 entitled "Real Property Tax Law Exemption for Disabled", and designated as Article IV of Chapter 40, Taxation, of the Code of the Town of Lancaster, County of Erie and State of New York, which reads as follows:

**TAXATION
CHAPTER 40
ARTICLE IV
REAL PROPERTY TAX LAW EXEMPTION FOR DISABLED**

LOCAL LAW NO. 2

**Of the Year
1998**

A LOCAL LAW TO AMEND THE CODE OF THE TOWN OF LANCASTER BY ENACTING ARTICLE IV, REAL PROPERTY TAX LAW EXEMPTION FOR DISABLED AS IT RELATES TO REAL PROPERTY TAX LAW §459-c, WHICH ARTICLE GRANTS A PARTIAL EXEMPTION FROM REAL PROPERTY TAXATION TO PERSONS WITH DISABILITIES WHO HAVE LIMITED INCOMES, AND SHALL BE ENTITLED, "REAL PROPERTY TAX LAW EXEMPTION FOR DISABLED", AND DESIGNATED AS ARTICLE IV OF CHAPTER 40, TAXATION, OF THE CODE OF THE TOWN OF LANCASTER, COUNTY OF ERIE, NEW YORK.

BE IT ENACTED, by the Town Board of the Town of Lancaster, as follows:

**ARTICLE IV - REAL PROPERTY TAX LAW EXEMPTION FOR DISABLED
As it Relates to Real Property Tax Law §459-c**

- §40-16. Purpose**
- §40-17. Exemption Schedule**
- §40-18. Definitions**
- §40-19. Computed Exemption**
- §40-20. No Exemption Granted**
- §40-21. Application for Exemption**
- §40-22. Notification by Assessor**
- §40-23. Real Property Held in Trust**
- §40-24. Effective Date**

§40-16. Purpose.

To afford a partial exemption from taxation to qualifying eligible persons with disabilities and who have limited incomes in the Town of Lancaster.

§40-17. Exemption Schedule.

Real property owned by one or more persons with disabilities, or real property owned by a husband, wife, or both, or by siblings, at least one of whom has a disability, and whose income, as hereafter defined, is limited by reason of such disability, shall be exempt from taxation by the Town of Lancaster as provided in the following schedule:

ANNUAL INCOME**PERCENTAGE ASSESSED
VALUATION EXEMPT
FROM TAXATION**

More than \$18,500. But Less than \$19,500.00	50 per centum
More than \$19,500. But Less than \$20,500.00	40 per centum
More than \$20,500. But Less than \$21,500.00	35 per centum
More than \$21,500. But Less than \$22,400.00	30 per centum
More than \$22,400. But Less than \$23,300.00	25 per centum
More than \$23,300. But Less than \$24,200.00	20 per centum
More than \$24,200. But Less than \$25,100.00	15 per centum
More than \$25,100. But Less than \$26,000.00	10 per centum
More than \$26,000. But Less than \$26,900.00	5 per centum

§40-18.**Definitions.**

For purposes of this Section:

- A. "Sibling" shall mean a brother or sister, whether related through half blood, whole blood or adoption;
- B. "Person with a Disability" is one who has a physical or mental impairment, not due to current use of alcohol or illegal drug use, which substantially limits such person's ability to engage in one or more major life activities, such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working, and who:
 - (i) Is certified to receive social security disability insurance (SSDI) or supplemental security income (SSI) benefits under the federal Social Security Act, or
 - (ii) Is certified to receive Railroad Retirement Disability benefits under the Federal Railroad Retirement Act, or
 - (iii) Has received a certificate from the state commission for the blind and visually handicapped stating that such person is legally blind.

An award letter from the Social Security Administration or the Railroad Retirement Board or a certificate from the state commission for the blind and visually handicapped shall be submitted as proof of disability.

§40-19. Computed Exemption.

Any exemption provided by this section shall be computed after all other partial exemptions allowed by law have been subtracted from the total amount assessed; provided, however, that no parcel may receive an exemption for the same municipal tax purposes pursuant to both §459-c and §467 RPTL.

§40-20. No Exemption Granted.

No exemption shall be granted:

- A. If the income of the owner or the combined income of the owners of the property for the income tax year immediately preceding the date of making application for exemption exceeds the sum of Eighteen Thousand Five Hundred (\$18,500) dollars, adopted pursuant to §459-c RPTL.

Income tax year shall mean the twelve month period for which the owner or owners filed a federal personal income tax return, or if no such return is filed, the calendar year. Where title is vested in either the husband or the wife, their combined income may not exceed such sum, except where the husband or wife, or ex-husband or ex-wife is absent from the property due to divorce, legal separation or abandonment, then only the income of the spouse or ex-spouse residing on the property shall be considered and may not exceed such sum. Such income shall include social security and retirement benefits, interest, dividends, total gain from the sale or exchange of a capital asset which may be offset by a loss from the sale or exchange of a capital asset in the same income tax year, net rental income, salary or earnings, and net income from self-employment, but shall not include a return of capital, gifts, inheritances or monies earned through employment in the federal foster grandparent program and any such income shall be offset by all medical and prescription drug expenses actually paid which were not reimbursed or paid for by insurance, if the Town Board, after a public hearing, adopts a local law, ordinance or resolution providing therefore.

In computing net rental income and net income from self-employment no depreciation deduction shall be allowed for the exhaustion, wear and tear of real or personal property held for the production of income:

- B. Unless the property is used exclusively for residential purposes, provided, however, that in the event any portion of such property is not so used exclusively for residential purposes but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by §459-c RPTL
- C. Unless the real property is the legal residence of and is occupied in whole or in part by the disabled person; except where the disabled person is absent from the residence while receiving health-related care as an inpatient of a residential health care facility, as defined in §2801 of the Public Health Law, provided that any income accruing to that person shall be considered income for purposes of this section only to the extent that it exceeds the amount paid by such person or spouse or sibling of such person for care in the facility.

§40-21. Application for Exemption.

Application for such exemption must be made annually by the owner, or all of the owners of the property on forms prescribed by the state board, and shall be filed in such Assessor's office on or before the appropriate taxable status date; provided, however, proof of permanent disability need be submitted only in the year exemption, pursuant to §459-c RPTL, is first sought or the disability is first determined to be permanent.

§40-22. Notification by Assessor.

At least sixty (60) days prior to the appropriate taxable status date, the assessor shall mail to each person who was granted exemption pursuant to §459-c RPTL on the latest completed assessment roll, an application form and a Notice that such application must be filed on or before taxable status date and be approved in order for the exemption to continue to be granted. Failure to mail such application form or the failure of such person to receive the same shall not prevent the levy, collection and enforcement of the payment of the taxes on property owned by such person.

§40-23. Real Property Held in Trust.

Notwithstanding any other provision of law to the contrary, the provisions of this section shall apply to real property held in trust solely for the benefit of a person or persons who would otherwise be eligible for a real property tax exemption, pursuant to §459-c (1) RPTL, were such person or persons the owner or owners of such real property.

§40-24. When Effective.

This Local Law shall take effect upon mailing, filing and publication as required by Law.

and

BE IT FURTHER

RESOLVED, that the Town Clerk of the Town of Lancaster shall:

1. Immediately post a copy of Local Law No 2 of the Year 1998 on the Town Bulletin Board;
2. Within ten (10) days, publish a certified copy of the Local Law abstract thereof describing the same in general terms in the Lancaster Bee, declared the official newspaper for this publication;
3. Maintain a file in the Town Clerk's Office on Local Law No. 1 of the Year 1998, with all proofs of publication and posting required for adoption; and
4. File certified copies of Local Law No. 1 of the Year 1998 within twenty (20) days of adoption with:
 - a) Town Clerk's office
 - b) One (1) copy with the office of the Secretary of State.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 20, 1998

File: rloclwa.498

LEGAL NOTICE
NOTICE OF ADOPTION
TOWN OF LANCASTER

PLEASE TAKE NOTICE that there has been adopted by the Town Board of the Town of Lancaster, Erie County New York, on April 20, 1998, Local Law No. 2 of the Year 1997, entitled "Real Property Tax Law Exemption for Disabled", and further designated as Article IV of Chapter 40, Taxation, of the Code of the Town of Lancaster, briefly described as follows:

"A Local Law to amend the Code of the Town of Lancaster by Enacting Article IV, Real Property Tax Law Exemption for Disabled As it Relates to Real Property Tax Law §459-c, which Article affords partial exemption from taxation to qualifying eligible persons with Disabilities and who have limited incomes in the Town of Lancaster."

April 20, 1998

**STATE OF NEW YORK :
COUNTY OF ERIE : ss:
TOWN OF LANCASTER :**

THIS IS TO CERTIFY, that **I, ROBERT P. THILL**, Town Clerk of the Town of Lancaster in said County of Erie, have compared the foregoing copy of a Legal Notice of Adoption of Local Law No. 2 of the Year 1998, with the original thereof filed in my office at Lancaster, New York, on the 20th day of April, 1998, and that the same is a true and correct copy of said original and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Town, this 20th day of April 1998.

Town Clerk

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MILLER, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, the Consolidated Water District of the Town of Lancaster maintains hydrants along the southerly line of Wehrle Drive, between Transit Road and David Road and the south boundary of the Town of Clarence, and

WHEREAS, the Consolidated Water District of the Town of Lancaster has heretofore contracted with the Harris Hill Fire Protection District of the Town of Clarence, and

WHEREAS, the Town Board of the Town of Clarence has duly held a public hearing on behalf of Harris Hill Fire Protection District to contract with the Consolidated Water District of the Town of Lancaster for the said hydrants in accordance with an Agreement approved by the Town Attorney and on file with the Town Clerk, which Agreement has been approved by the Town Board of the Town of Clarence;

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and is hereby authorized to execute an Agreement by and between the Town of Clarence on behalf of the Harris Hill Fire Protection District, and the Consolidated Water District of the Town of Lancaster, providing for rental of ten (10) hydrants along the southerly line of Wehrle Drive between Transit Road and David Road and the south boundary line of the Town of Clarence, commencing April 1, 1998 and terminating March 31, 2003, all in accordance with the terms of said Agreement.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA WHO MOVED
ITS ADOPTION. SECONDED BY COUNCIL
MEMBER STEMPIAK KWAK, TO WIT:

WHEREAS, a vacancy exists in the Town of Lancaster in the position of Police Captain in the Police Department due to the death of James Natalzia, and

WHEREAS, the Chief of Police of the Town of Lancaster, by letter dated April 14, 1998, has recommended the appointment of Leon Trzewieczynski to the position of Police Captain, and

WHEREAS, Leon Trzewieczynski has had past experience serving in the Police Department since 1980, and has demonstrated the expertise for this position,

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That Leon Trzewieczynski, be and is hereby appointed to the position of Police Captain in the Police Department effective April 21, 1998.
2. That the salary for this position is ~~\$58,647.00~~ as set forth in the 1998 Schedule of Salaries for said position. *58,515.00 amended 6/1/98 PRT.*
3. That the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 20, 1998

File: RPERS.APP

THE FOLLOWING RESOLUTION WAS OFFERED
BY, COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER KWAK, TO WIT:

WHEREAS, TOM FERRY and MARK DEAN, c/o DeanSutton Architects,
4700 Genesee Street, Cheektowaga, New York, 14225, the contract vendee of a parcel of
property located on the north side of William Street west of Aurora Street in the Town of
Lancaster, New York, has petitioned the Town Board of the said Town for the rezone of said
property from an RI-Residential District One to an NB-Neighborhood Business District, and

WHEREAS, the Petition has been referred to the Planning Board of the Town of
Lancaster for its recommendation and report;

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Sections 130 and 265 of the Town Law of the State
of New York a Public Hearing on the proposed rezone will be held at the Town Hall, 21 Central
Avenue, Lancaster, New York, on the 4th day of May, 1998, at 8:30 o'clock P.M., Local Time,
and that Notice of the time and Place of such Hearing be published in the Lancaster Bee, a
newspaper of general circulation in said Town and be posted on the Town Bulletin Board, and
that Notice of such Hearing be referred to the Erie County Department of Planning, pursuant to
Section 239 (m) of the General Municipal Law, which Notice shall be in form attached hereto
and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on
roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 20, 1998

File: rrezfery.

**LEGAL NOTICE
PUBLIC HEARING
REZONE -CHILD DAY CARE
TOM FERRY AND MARK DEAN
TOWN OF LANCASTER**

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the Town Law of the State of New York and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 20th day of April, 1998, the said Town Board will hold a Public Hearing on the 4th day of May, 1998, at 8:30 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the following proposed amendment to the Zoning Ordinance and Zoning Map of the Town of Lancaster, rezoning the following described real property from an RI--Residential District One to an NB-Neighborhood Business District:

ALL THAT CERTAIN PIECE OR PARCEL OF LAND, situate, lying and being in the Town of Lancaster, County of Erie and State of New York, being part of Lot 93, Township 10, Range 6 of the Buffalo Creek Reservation, and and being more particularly bounded and described as follows:

BEGINNING at a point in the north line of William Street (49.5') wide, 358.95 feet west of its intersection with the west line of Aurora Street (49.5') wide;

THENCE northerly along a line parallel to said Aurora Street, 160.00 feet to a point;

THENCE easterly along a line at right angles to the last mentioned course, 151.83 feet to a point in the west line of L. 6503 P.97;

THENCE northerly along the west line of said L.6503 P.97, 53.02 feet to the northwest corner of said L. 6503 P.97;

THENCE westerly along a line 33.00 feet to a point in the west line of and 5 feet south of the northwest corner of Sublot 23, Block D, Cover 522;

THENCE northerly along a line, 70.00 feet to a point in the west line of and 5 feet north of the southwest corner of Sublot 20, Block D, Cover 522, said point also being the southwest corner of L. 2232 P. 499;

THENCE westerly along the south line of L. 3367 P.392, 308.80 feet to a point in the east line of Cover 2596 and the centerline of Gaylord Street (Unimproved), Cover 522;

THENCE southerly along the east line of said Cover 2596 and the centerline of said Gaylord Street, 155.00 feet to a point;

THENCE easterly along the north line extended westerly of L.1932 P.695, 90.00 feet to the northwest corner of said L.1932 P.695;

THENCE southerly along the west line of said L.1932 P.695, 130.58 feet to a point in the north line of said William Street;

THENCE easterly along the north line of said William Street, 100.00 feet to the point or place of beginning and containing 2.216 Acres more or less.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

BY: **ROBERT P. THILL**
Town Clerk

April 20, 1998

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, the Town Line Volunteer Fire Department, Inc., by letter dated April 17, 1998, has requested the addition of the following member to the membership roster of said fire association,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby confirms the addition to the membership of the Town Line Volunteer Fire Department, of the following individual:

ADDITIONS:

Ronald C. Blakeslee Jr
6218 Broadway
Lancaster, New York 14086

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 20, 1998

File: RFIRE (P3)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER MILLER, TO WIT:

RESOLVED, that the following Audited Claims be and are hereby ordered paid
from their respective accounts:

Claim No. 1644 to Claim No. 1888 Inclusive

Total amount hereby authorized to be paid: **\$750,504.66**

The question of the foregoing resolution was duly put to a vote on roll call
which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 20, 1998

File: RCLAIMS

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER STEMPNIAK, TO WIT:

RESOLVED that the following Building Permit Applications be and are hereby approved and the issuance of these Building Permits be and are hereby authorized:

CODES:

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are waived for this permit.

(CSW) = Conditional sidewalk waiver.

NEW PERMITS:

4810	Majestic Pools	589 Pleasant View Dr	Er. Pool
4811	Cheryl Lewis	493 Aurora St	Er. Fence
4812	Cynthia Goss	36 Woodgate Dr	Er. Fence
4813	Joseph Even	536 Lake Ave	Ex. Sin. Dwlg
4814	James Hoffman	600 Harris Hill Rd	Er. Fence
4815	Raymond Borsuk	182 Siebert Rd	Er. Shed
4816	Greg Reeb	14 Signal Dr	Er. Deck
4817	Robert Charvat	862 Townline Rd	Er. Shed
4818	Mark Skieresz	6 Bentley Cir	Er. Deck
4819	David King	132 Belmont Ave	Er. Shed
4820	Randy's Snowplowing & Highlift Service	3578 Walden Ave	Alt. Studio
4821	Anthony Wdowik	5063 William St	Er. Fence
4822	Paul Sortisio	290 Enchanted Fst N	Er. Fence
4823	Dennis Krol	86 Schlemmer Rd	Er. Fireplace
4824	Edward Gajewski	21 Gale Dr	Er. Pool
4825	John Thornton	35 Giele Ave	Er. Fence
4826	DAVID ZIMPFER Michael Conway	100 Newberry Ln	Er. Shed
4827	Michael Conway	1110 Townline Rd	Ex. Sin. Dwlg
4828	John Uebelhoer	4669 Walden Ave	Er. Shed
4829	Michael Green	28 Signal Dr	Er. Fence
4830	Paul Wiepert	20 Signal Dr	Er. Fence
4831	Norman Eddy	48 Pleasant View Dr	Er. Shed
4832	Anthony Lorusso	8 Bridgewater Ct	Er. Shed
4833	Gary Frucke	46 Signal Dr	Er. Fence
4834	Stephen Smith	91 Newberry Ln	Er. Deck
4835	David Jernigan	11 Bridgewater Ct	Er. Shed
4836	Rob Border	56 Newberry Ln	Er. Fence
4837	Thomas Czerniewski	17 Glendale Dr	Er. Fireplace
4838	James Offhaus	5097 William St	Alt. Windows
4839	Superior Exteriors	76 Michael's Wlk	Encl. Patio
4840	Ronald Samson	66 Southpoint Dr	Er. Deck/Pool

4841	J. Marinaccio	70 Williamsburg Ln	Er. Fence/Pool/Shed
4842	VOID Tim Bohn	42 Via Donato E	Er. Fence/Pool
4843	Keith Wilkinson	5360 Genesee St	Alt. Restaurant
4844	Robert Texido	8 Grafton Ct	Er. Fence/Pool
4845	James Kaczor	21 Grace Way	Er. Shed
4846	Gail Simonetti	52 Old Post Rd	Er. Shed
4847	VOID Therese Milkowski	8 Kennedy Ct	Er. Pool
4848	Joseph Polak	83 Newberry Ln	Er. Shed/Fence
4849	Timothy R Devine	5 Schilling Ct	Er. Pool
4850	Paul Galeza	9 Clermont Ct	Er. Pool
4851	Greg Heidenreich	239 Enchanted Fst N	Er. Pool
4852	Richard Hines	22 Michael's Wlk	Er. Fence
4853	James Maurino	129 Belmont Ave	Er. Deck
4854	Robert Kosakowski	15 Rue Madeleine Way	Er. Shed
4855	Dale Roselle	12 Bridgewater Ct	Er. Fence
4856	Mark Ruchalski	26 Hidden Tr	Er. Shed
4857	Debra Ventura	54 Newberry Ln	Er. Fence
4858	Brooke Nagowski	108 Newberry Ln	Er. Shed
4859	Michele Kilian	5 Stream View Ln	Er. Pool
4860	Gary Dobstaff	5 Michael's Wlk	Er. Deck
4861	Gregory Justen	13 Whitestone Ln	Er. Pool
4862	Richard Ederer Jr	44 Cardinal Ct	Er. Deck
4863	Thaddeus Kowalenko	288 Enchanted Fst N	Er. Shed
4864	F & D Construction	54 Creekwood Dr	Er. Sin. Dwlg
4865	Raymond DiPaolo	7 Broadmoor Ct	Er. Fence
4866	Charles Clark	8 Rollingwood Dr	Er. Pool
4867	Edward Ploski	103 Michael's Wlk	Er. Pool
4868	Kevin Dramer	53 Village View	Er. Shed/Deck
4869	Majestic Pools Inc	12 Sagebrush Ln	Er. Pool
4870	Kevin Sittniewski	2 Cobblestone Ct	Er. Sin. Dwlg
4871	Lori Donnelly	109 Michael's Wlk.	Er. Shed
4872	Lancaster Library	5466 Broadway	Er.Temp. Sign
4873	Albert V Randaccio Bldrs Inc	39 Chestnut Corner	Er. Sin. Dwlg

and,

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby approved with a waiver of the Town Ordinance requirement for sidewalks, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby approved with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 20, 1998

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED
ITS ADOPTION. SECONDED BY COUNCIL
MEMBER KWAK, TO WIT:

WHEREAS, Louis Cacciotti, Crew Chief in the Highway Department, by letter dated April 9, 1998, has requested permission to carry over his thirteen (13) days vacation time accrued which he could not take by his anniversary date of May 25, 1998 due to reasons cited in his letter, and

WHEREAS, the Town of Lancaster White Collar Unit of Local 815 has indicated a willingness to concur and give their approval with the stipulation that this will be a non-precedented setting to the granting of this request,

NOW, THEREFORE, BE IT

RESOLVED, that Louis Cacciotti, Crew Chief in the Highway Department, shall be permitted to carry over his thirteen (13) days of 1997-98 vacation time to his 1998-99 year of service with the Town of Lancaster, and

BE IT FURTHER

RESOLVED, that the carry over days in the amount of thirteen (13) will not be eligible for buy back over and above what Louis Cacciotti could otherwise sell back to the Town under the provision provided in the White Collar Contract, Article 3, Section 3.1.2.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 20, 1998

FILE: RPERS.VAC (P4)

Council Member Montour requested a suspension of the necessary rule for immediate consideration of the following resolution:

SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER KWAK. TO WIT:

WHEREAS, the Highway Superintendent of the Town of Lancaster has apprised the Town Board that his department is in immediate need of a replacement pickup truck, given the breakdown of certain vehicles in his department which are unrepairable, and

WHEREAS, the failure to have appropriate vehicles is causing a public emergency in that circumstances affecting public property require immediate purchase of a vehicle which cannot await competitive bidding, and

WHEREAS, the Town Board has reviewed the request by the Highway Superintendent and deems it in the public interest to authorize the Highway Superintendent to purchase one (1) pickup truck without bid so that he is able to properly and adequately care for the public property in his trust, and

WHEREAS, General Municipal Law § 103(4) provides for purchases without bid when a public emergency arises out of unforeseen occurrences;

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That the Town Board of the Town of Lancaster hereby authorizes the Superintendent of Highways to purchase one (1) pickup truck for the public emergency reason aforementioned, at a cost not to exceed \$19,000.00; and

2. In order to fund this unanticipated expenditure, the following budget amendment be and is hereby approved in the 1998 adopted budget of the Town of Lancaster:

Highway Fund - Town Outside Villages	<u>Decrease</u>	<u>Increase</u>
<u>General Ledger Accounts:</u>		
DB599 - Appropriated Fund Balance	\$19,000
DB960 Budgetary Appropriations	19,000
<u>Subsidiary Ledger Accounts - Appropriations</u>		
DB5130.225 Machinery - Trucks and Related Equipment	19,000

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 20, 1998

File: rhwymrg.498

Council Member Montour requested a suspension of the necessary rule for immediate consideration of the following resolution

SUSPENSION GRANTED.

**THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR , WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK , TO WIT:**

WHEREAS, the Town of Lancaster, Village of Lancaster, and the Village of Depew are in the process of developing a Comprehensive Master Plan with funds received from the County of Erie Community Block Development Grant, and

WHEREAS, each Municipality has designated members to participate on the Lancaster Collaborative Comprehensive Master Plan Committee, and

WHEREAS, in an attempt to expedite the public meeting's procedures required under the State statutes for developing a Comprehensive Master Plan, it is necessary for each Municipality to authorize the Lancaster Collaborative Comprehensive Master Plan Committee to act on behalf of each respective Municipality as a committee and report to the various bodies of the respective Municipalities,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Lancaster Collaborative Comprehensive Plan Committee to act on behalf of the Town of Lancaster through its designated members.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 20, 1998

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Council Member Miller requested a suspension of the necessary rule for immediate consideration of the following resolution:"

SUSPENSION GRANTED.

**THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MILLER, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR , TO WIT:**

WHEREAS, the Town of Lancaster has, pursuant to a proposed Request for Proposals (RFP) for disposal of municipal solid waste, has now received comments within the statutory 60-day comment period, and

WHEREAS, a review of the comments has been undertaken and the Town Board now desires to cause the invitation of final proposals from prospective proposers;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster will receive final proposals for the disposal of municipal solid waste pursuant to an RFP generated by the Town of Lancaster , in the office of the Town Clerk, on May 13, 1998, at 10:00 A.M., Local Time.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 20, 1998

File: rfp.

**NOTICE OF ISSUANCE
OF
FINAL REQUEST FOR PROPOSALS
FOR A
DISPOSAL SITE FOR NON-HAZARDOUS
MUNICIPAL SOLID WASTE
TOWN OF LANCASTER REFUSE & GARBAGE DISTRICT**

LEGAL NOTICE IS HEREBY GIVEN that the Town Board of the Town of Lancaster, in compliance with and pursuant to the authority contained in General Municipal Law 120-w, shall seek Proposals for a disposal site for the non-hazardous municipal solid waste generated in the Town of Lancaster Refuse and Garbage District. The Final Request for Proposals (RFP) is on file in the office of the Town Clerk, 21 Central Avenue, Lancaster, New York.

Proposals must be received in the Office of the Town Clerk at 21 Central Avenue, Lancaster, New York, no later than 10:00 A.M., Local Time, Wednesday, May 13, 1998, after which the Town of Lancaster shall open and evaluate the proposals.

TOWN OF LANCASTER

By: **ROBERT P. THILL**
Town Clerk

April 20, 1998

File: frfpnot

Supervisor Giza requested a suspension of the necessary rule for immediate consideration of the following resolution:

SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
KWAK, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster, after due consideration and review, has deemed it in the public interest to delay the receipt of bids for the collection and hauling of municipal solid waste since the Town Board is giving consideration to electing the option to renew the present collection contract;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the delay of receipt of bids for the collection and hauling of municipal solid waste in the Town of Lancaster until Friday, May 29, 1998 at 10:00 A.M., local time, in the office of the Town Clerk.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 20, 1998

File: rrefsc.498

COMMUNICATIONS:

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249. Police Chief to Michael M. Calandra, 15 Deerpath Dr -
Response to letter of 4/1/98 requesting stop sign at intersection of Countryview and Pheasant Run Ln. - DISPOSITION: Public Safety Committee
250. Receiver of Taxes to Town Board -
Transmittal of copy of payment to Erie County for second settlement of 1998 County/Town Tax Warrant. - DISPOSITION: Received and Filed
251. Safety Coordinator to All Department Heads -
Notice of Back Safety Program make up date of 5/23/98. DISPOSITION: Received and Filed
252. Safety Coordinator to All Department Heads -
Results of meeting with Supervisor and representatives of Erie Community College held on 4/2/98 re: Safety, Health and Education Grant. DISPOSITION: Received and Filed
253. Michael M. Calandra to Town Safety Committee -
Concerns with request for stop sign at intersection of Country View and Pheasant Run Ln. DISPOSITION: Public Safety Committee
254. Congressmen Quinn to Joseph Juszczak -
Response to letter re: requesting clean-up of Ellicott Creek in Lancaster. DISPOSITION: Received and Filed
255. County Dept. of Health to Supervisor -
Notice of granting extension of time for the construction of waterlines for portions of Walnut Creek Subdivision. DISPOSITION: Engineer
256. LIDA To Various Officials -
Notice of Public Hearing for PCB Piezotronics, Inc to be held on 5/5/98 to request federal exemptions. DISPOSITION: Received and Filed .
257. Louis Cacciotti to Town Board -
Requests permission to carry over 13 days of vacation from 1997 to 1998. DISPOSITION: Resolution
258. Town Engineer and Building Inspector to Town Board -
Recommends issuance of a dumping permit to Roy Fleck/Clyde Mays for 75 Cemetery Road. DISPOSITION: Resolution
259. NYSDEC to Deputy Town Attorney -
Comments Re: A/C Associates site plan. DISPOSITION: Received and Filed
260. Good Earth Organics Corporation to Town Clerk -
Request for refund of unused building permit from 12/2/91. DISPOSITION: Building Inspector
261. Police Chief to Council Member Miller -
Notice of promotional appointment of Leon Trzewieczinski to Police Captain. DISPOSITION: Resolution
262. EC Office of Traffic Safety to Town of Lancaster -
Transmittal of contract for Traffic Safety Grant to be signed and returned. DISPOSITION: Resolution
263. MGR Constructors to Supervisor -
Submittal of proposal for one shelter at Senior Citizen Center. DISPOSITION: Received and Filed
264. ECDEP to Supervisor -
Comments Re: Conditionally exempt Small Quantity Generator Hazardous Waste Program. DISPOSITION: Building Inspector
265. NYS Real Property Services to Supervisor -
Transmittal of Residential Assessment Ratio for the Town of Lancaster. DISPOSITION: Assessor
266. BFI to Town Attorney -
Request to have bid opening date for refuse & garbage collection to be changed. DISPOSITION: Received and Filed

267. Erie County Legislature to Town of Lancaster -
Description and invitation for proposals for the 1998 County-Municipal Regionalism Program. DISPOSITION: Received and Filed
268. NYS Assembly to Supervisor -
Comments Re: Participation of Supervisor in the Western New York Economic Development Roundtable on Skills Training and Workforce Development. DISPOSITION: Received and Filed
269. NYS Dept. Of Public Service to Supervisor -
Grants a Temporary Operating Authority for Adelphia Cable during negotiation of the franchise renewal. DISPOSITION: Received and Filed
270. NYSDOT to Supervisor -
Request data Re: Walden Avenue (Conrail Overpass Cemetery Road) alterations scheduled for Fall 1999. DISPOSITION: Engineer
271. Chautauqua County Dept. Of Personnel to Town of Lancaster IDA -
Notice of recruitment of a Director of Economic Development. DISPOSITION: Received and Filed
272. Univ. At Buffalo to Town of Lancaster -
Reports released by the Institute for Local Governance and Regional Growth. DISPOSITION =
273. Building Inspector to Deputy Regional Permit Administrator -
Addresses concerns for mining permit application of Pine Hill Sand & Gravel. DISPOSITION: Planning Committee
274. Building Inspector to Martin Rothschild -
Rescinds Dumping Permit granted 8/18/97. DISPOSITION: Received and Filed
275. Various Citizens to Town Board -
Expresses concerns Re: Dumping Permit issued to Marten Rothschild 8/18/97. DISPOSITION: Building Inspector
276. Town Line Fire Dept. To Town Clerk -
Requests approval of new member to roster. DISPOSITION: Resolution
277. Planning Board to Town Board -
Recommends approval of site plan for V.T. Galbo. DISPOSITION: Received and Filed
278. Planning Board to Town Board -
Transmittal of minutes held meeting of 4/15/98. DISPOSITION: Received and Filed
279. Planning Board to Town Board -
Recommends approval of site plan for Tom Ferry/Mark Dean Day Care Center. DISPOSITION: Received and Filed
280. Parks Dept. To Supervisor -
Transmittal of schedule of tree planting in the schools for Arbor Day. DISPOSITION: Received and Filed
281. Town Attorney to Modern Corporation, C.I.D. Refuse Services, Inc. and BFI Watse Systems -
Advisal of change of date for receipt of bids for the collection of solid waste for the Town of Lancaster to April 30, 1998 at 3:15 P.M. DISPOSITION: Received and Filed
282. Pauline Weinheimer to Town Board -
Requests approval of local law entitled "Real Property Tax Law Exemption For The Disabled". DISPOSITION: Resolution

ADJOURNMENT:

ON MOTION OF SUPERVISOR GIZA AND SECONDED BY THE ENTIRE TOWN BOARD AND CARRIED, the meeting was adjourned at 10:32 P.M.

Signed 
Eleanor D. Kucharski, Deputy Town